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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,412	05/10/1999	KAZUHIRO HARA	450100-4879	7480
20999 7590 06/13/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER JACKSON, JENISE E	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 06/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/309,412	Applicant(s) HARA, KAZUHIRO	
	Examiner Jenise E. Jackson	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2009/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically independent claims 1 and 11 are not enabled for “requesting the restrictive information data transmission control information by the data receiving means when a new data receiving means is added to the communications channels, where the data receiving means having been put out of service and recovered from a failure rejoins the communication channels or when the data receiving means has failed to receive the restrictive data transmission control information”. The Applicant states in the remarks, that the newly added limitation is in the originally filed specification on pages 34-35. The specification states the use of the bidirectional communication channels allows the data receiver to request the session key, and when the receiver failed to received the session key correctly that is a failure. However, nowhere in the specification does it state that the restrictive information is a session key. On page 24 of specification states, the data transmission system is constituted as so-called restrictive data receiving system allowing only a specific data receiver or receivers to receive the data of interest.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2131

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-19 are rejected under 112 2nd for containing new matter. Claims 1 and 11 contain new matter for “requesting the restrictive information data transmission control information by the data receiving means when a new data receiving means is added to the communications channels, where the data receiving means having been put out of service and recovered from a failure rejoins the communication channels or when the data receiving means has failed to receive the restrictive data transmission control information”. The Applicant states in the remarks, that the newly added limitation is in the originally filed specification on pages 34-35. The specification states the use of the bidirectional communication channels allows the data receiver to request the session key, and when the receiver failed to receive the session key correctly that is a failure. However, nowhere in the specification does it state that the restrictive information is a session key. On page 24 of specification states, the data transmission system is constituted as so-called restrictive data receiving system allowing only a specific data receiver or receivers to receive the data of interest. The Applicant cannot amend the specification to state that the restrictive control information is a session key.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 8-14, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seth-Smith(4,829,569).

8. As per claims 1, 11, Seth-Smith et al. discloses a data transmission controlling method for controlling transmission of data from data transmitting means to data receiving means over communication channels(col. 3, lines 14-18, fig. 1, sheet 1), said data transmission controlling method includes, transmitting encrypted data, encrypted by said data transmitting means to said data receiving means over a first communication channel provided for data transmission from said data transmitting means to said data receiving means(see col. 3, lines 14-22, fig. 1, sheet 1); Seth-Smith discloses transmitting to the data receiving means restrictive data transmission control information for causing the encrypted data to be received solely by specific data receiving means at least over a second communication channel which, having a smaller capacity of data transmission than the first communication channel, is operating to allow only intended data receiving means to receive the encrypted data(see col. 6, lines 30-49), is also used for data transmission from the data receiving means to the data transmitting means(see col. 6, lines 49-57, fig. 1, sheet 1).

Art Unit: 2131

9. As per claim 2, Seth-Smith wherein said second communication channel is a communication channel permitting bi-directional communication between said data transmitting means and said data receiving means, is inherent in Seth-Smith, because Seth-Smith discloses that the user can communicate with the broadcaster(see col. 6, lines 49-67).

10. As per claims 3, 12, Seth-Smith wherein said data transmitting means performs data encryption using an encryption key and wherein said encrypted data from said data transmitting means are decrypted by said data receiving means utilizing a decryption key identical to said encryption key used in the data encryption(see col. 3, lines 23-27, col. 20, lines 22-34). The Examiner asserts that the keys must be identical in order to decrypt information, that insures that the proper individual receives information; this is disclosed in Seth-Smith et al.

11. As per claims 4, 13, Seth-Smith et al. discloses wherein said encryption key and said decryption key are session keys(i.e. service key) for encrypting and decrypting information and data(see col. 3, lines 14-22, col. 10, lines 38-42, col. 22, lines 9-36, 57-60).

12. As per claims 5, 14, Seth-Smith discloses wherein said session keys(i.e. service keys) are updated at predetermined intervals(see col. 11, lines 66-67, col. 12, lines 1-8, col. 19, lines 33-37).

13. As per claims 8, 17, Seth-Smith discloses said first communication channel is a satellite link permitting unidirectional communication from said data transmitting means to said data receiving means; and wherein said second communication channel is a communication channel permitting bi-directional communication between said data transmitting means and said data receiving means(see col. 6, lines 49-55).

Art Unit: 2131

14. As per claims 9-10, 18-19, Seth-Smith inherently discloses wherein said data receiving means is constituted as an IP router, and bridge, because Seth-Smith discloses a subscription television system that uses a satellite to transmit data(see abstract).

15. Claims 6-7, 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Seth-Smith et al. in view of Mueller.

16. As per claims 6, and 15, Seth-Smith discloses data transmitting means and said data receiving means, and discloses session keys(see above already addressed as per claim 1 and 4).

17. As per claims 6 and 15, Seth-Smith et al. is silent on a master key that encrypts and decrypts session keys.

18. However, Mueller discloses a master key that encrypts and decrypts session keys(see col. 1, lines 46-61).

19. It would have been obvious to one ordinary skill in the art to combine the teachings of Mueller within the system of Seth-Smith, because secure session key generation methods, such as Mueller offer distinct advantage that the intercepted, encrypted messages based on the session key cannot be decrypted at a later time even if access to the actual encryption system is gained(see col. 2, lines 1-7 of Mueller).

20. As per claims 7, 16, Seth-Smith discloses said data transmitting means possesses said session keys corresponding to all data receiving means authorized to receive specific information and data; and wherein said data transmitting means transmits in advance said session keys to said data receiving means authorized to receive specific information and data(see col. 21, lines 49-65, col. 22, lines 9-34).

Response To Arguments

21. The Applicant has amended independent claims 1 and 11 and stated that the amended limitations is not disclosed in the prior art of Seth-Smith. The Examiner has reviewed and searched the specification to try to find the newly added limitations, and as a result, was unable to find support, requesting the restrictive information..." limitations. The Applicants newly added claim limitations, "requesting the restrictive information data transmission control information by the data receiving means when a new data receiving means is added to the communications channels, where the data receiving means having been put out of service and recovered from a failure rejoins the communication channels or when the data receiving means has failed to receive the restrictive data transmission control information", is rejected under 112 1st and 2nd(see above). The Examiner cannot examine this limitation as it is not disclosed in the specification as the "restrictive data transmission control information receiving or failing to receive the transmission control information". The Applicant cannot amended the specification to contain restrictive control information performing these steps.

Final Necessitated by Amendment

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2131

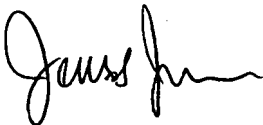
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

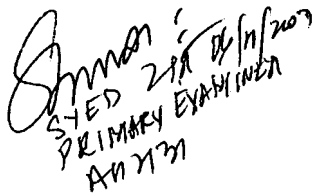
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 10, 2007



SEARCHED 2/14/2007
PRIMARY EXAMINER
AM 11/31